

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001 <i>This document relates to:</i> <i>Ashton et al v. al Qaeda et al</i> , 02-cv-6977 (RCC)	03 MDL 1570 (RCC) ECF Case
---	-----------------------------------

DEFENDANT SANA-BELL INC.'S MOTION TO DISMISS

Martin F. McMahon, Esq.
MARTIN F. MCMAHON & ASSOCIATES
1150 Connecticut Avenue NW
Suite 900
Washington, DC 20036
Phone: 202-862-4343
Facsimile: 202-828-4130

Attorney for Defendant

COMES NOW, Defendant Sana-Bell, Inc. (hereinafter “Sana-Bell”) and hereby files this Motion to dismiss the Ashton, et. al. Plaintiffs’ (hereinafter “Plaintiffs”) complaint as it regards or relates to Sana-Bell which corporation had assigned all right, title and interest to Sanabel Al-Kheer in 2001 and because the corporation no longer exists.¹ Attached hereto are two exhibits which confirm Sana-Bell’s contention that: (1) on February 28, 2001 an “Assignment of Judgment” was signed by the then corporate secretary M. Yaqub Mirza, which states *inter alia*, that Sana-Bell, Inc., assigned all right, title and interest to Sanabel Al-Kheer; and (2) that on September 9, 2002 a Certificate from the Government of the District of Columbia, Department of Consumer and Regulatory Affairs certified that the Certificate and Articles of Incorporation for Sana-Bell were revoked by proclamation. See Exhibits A – B.

Based upon the annexed exhibits and based specifically on counsel’s representation to this Court that Sana-Bell no longer exists, the undersigned counsel submits that this Court should dismiss Sana-Bell from the Plaintiffs’ complaint and Order that because Sana-Bell has merged into Sanabel Al Kheer, that any and all of Plaintiffs’ allegations against Sana-Bell also merge into Plaintiffs’ allegations against Sanabel Al Kheer. Accordingly, the accompanying motion filed by Sanabel Al Kheer on this day, July 31, 2006, should also apply to the former entity, Sana-Bell, since all right, title and interest had been assigned to Sanabel Al Kheer as of February 28, 2001.²

¹ Undersigned counsel notes that “Sanabil, Inc.” may have been used interchangeably with Sana-Bell, Inc.. Regardless of the spelling difference, there exists only one entity.

² Both this Court as well as Plaintiffs’ counsel should be aware that any assets Sana-Bell may have had would have also merged into Sanabel Al-Kheer in or about 2001 when all the right, title and interest was assigned to Sanabel Al-Kheer.

In sum, undersigned counsel for the former entity Sana-Bell requests the Court hereby dismiss with prejudice the claims in the above referenced action against Defendant Sana-Bell and that all parties bear their own attorneys' fees, costs, and expenses.

A Proposed Order is attached to this Motion to Dismiss.

Respectfully Submitted,

_____/s/_____
Martin McMahon, Esq., M.M. 4389
Martin McMahon & Associates
1150 Connecticut Ave., N.W.
Suite 900
Washington, D.C. 20036
(202) 862-4343
(202) 828-4130

Attorney for Defendant

Dated: July 31, 2006

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Motion to Dismiss was served via electronic case filing on this 31st day of July, 2006, upon the following:

Andrew J. Maloney III, Esq.
Kreindler & Kreindler
100 Park Avenue
New York, NY 10017-5590

_____/s/_____
Lisa D. Angelo, Esq.